

Assembly Bill No. 1687

CHAPTER 178

An act to amend Section 4502 of, to amend the heading of Chapter 1 (commencing with Section 4500) of Division 4.5 of, to add the heading of Chapter 1.3 (commencing with Section 4502) to, and to add the heading of Chapter 1.6 (commencing with Section 4507) to, Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

[Approved by Governor July 23, 2014. Filed with
Secretary of State July 23, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, Conway. Persons with Developmental Disabilities Bill of Rights.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide fixed points of contact in the community for persons with developmental disabilities and their families, and to ensure that a person with developmental disabilities has access to the services and supports best suited to the person throughout his or her lifetime. Existing law states the intent of the Legislature that persons with developmental disabilities have certain rights, including a right to prompt medical care and treatment and a right to be free from harm, including abuse or neglect. Existing law grants specified rights to a person with developmental disabilities who has been admitted or committed to a state hospital, community care facility, or health facility, including the right to have access to individual storage space for private use and a right to see visitors each day. Existing law requires a developmental center to immediately report resident deaths and certain serious injuries, including a sexual assault, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located.

This bill would recast those rights as the Persons with Developmental Disabilities Bill of Rights. The bill would include, as a right to persons with developmental disabilities, the right to a prompt investigation of any alleged abuse against them.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 1 (commencing with Section 4500) of Division 4.5 of the Welfare and Institutions Code is amended to read:

CHAPTER 1. TITLE AND INTENT

SEC. 2. The heading of Chapter 1.3 (commencing with Section 4502) is added to Division 4.5 of the Welfare and Institutions Code, to read:

CHAPTER 1.3. PERSONS WITH DEVELOPMENTAL DISABILITIES BILL OF RIGHTS

SEC. 3. Section 4502 of the Welfare and Institutions Code is amended to read:

4502. (a) Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California. An otherwise qualified person by reason of having a developmental disability shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives public funds.

(b) It is the intent of the Legislature that persons with developmental disabilities shall have rights including, but not limited to, the following:

(1) A right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible. Such services shall protect the personal liberty of the individual and shall be provided with the least restrictive conditions necessary to achieve the purposes of the treatment, services, or supports.

(2) A right to dignity, privacy, and humane care. To the maximum extent possible, treatment, services, and supports shall be provided in natural community settings.

(3) A right to participate in an appropriate program of publicly supported education, regardless of degree of disability.

(4) A right to prompt medical care and treatment.

(5) A right to religious freedom and practice.

(6) A right to social interaction and participation in community activities.

(7) A right to physical exercise and recreational opportunities.

(8) A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect.

(9) A right to be free from hazardous procedures.

(10) A right to make choices in their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way they spend their time, including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation.

(11) A right to a prompt investigation of any alleged abuse against them.

SEC. 4. The heading of Chapter 1.6 (commencing with Section 4507) is added to Division 4.5 of the Welfare and Institutions Code, to read:

CHAPTER 1.6. GENERAL PROVISIONS

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